

# News from the New Hampshire Department of Environmental Services



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**FOR IMMEDIATE RELEASE**

**DATE: March 31, 2008**

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## **DES to implement the revised Comprehensive Shoreland Protection Act April 1, 2008**

*Pending Legislation May Change Effective Date*

Concord, NH – The New Hampshire Department of Environmental Services announced today that it is preparing to implement the revised Comprehensive Shoreland Protection Act. The changes and associated rules will go into effect on April 1, 2008. However, the legislature is currently considering a bill that could later change that effective date. DES understands that this situation may temporarily create uncertainty for development projects within the protected shoreland.

DES is releasing the following information to provide guidance to parties who may be affected by the revised CSPA and the legislation currently under consideration:

- The revised CSPA law, including a new permit requirement, becomes effective on April 1, 2008. However, the legislature is currently considering a bill that would enact a new effective date. If the effective date is later changed, it is expected that the version of the law that was in effect prior to April 1, 2008 would remain in effect.
- While DES has no ability to ignore the new requirements, DES intends to apply the law as established in a manner that will provide the regulated community with alternatives in an effort to minimize any undue confusion.
- Those projects begun after April 1, or a subsequently enacted effective date, will require a permit under the revised CSPA. If a party wishes to apply for a permit after April 1 and prior to any change in the effective date, DES will promptly process such permit application. If, however, a party desires to delay commencement of a project to see if the effective date will be extended, that would be at the party's prerogative.
- DES has adopted rules (<http://www.des.nh.gov/Rulemaking/index.html#Env-Wq1400>) that describe certain types of projects that would be deemed to have "vested rights," such as projects already under construction or well into the planning phase. Those projects that have "vested rights" will not be subject to the new permitting requirement. Currently, the need for additional legislative changes that specifically address the issue of "vested rights" is under review.
- DES will gladly consult with a project proponent on whether DES believes that the proponent has a "vested right" to continue a project. DES will be available to assist municipalities in answering questions concerning a party's ability to obtain or to maintain local building permits for projects that satisfy the Department's vested rights criteria.

The Department is committed to implementing the new CSPA provisions in a manner and on a time schedule that will guarantee the long-term success of the program and looks forward to working with the legislature to achieve that goal.

DES will be posting information on the status of any possible changes to the effective date of the revised CSPA as it becomes available on the DES website at [www.des.nh.gov/cspa/](http://www.des.nh.gov/cspa/). For further information or clarification, please call Jay Aube, Shoreland Protection Outreach Specialist, 271-8176.

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